

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

PATRICK LAMONT SIMS,	)	
Petitioner,	)	
v.	)	C.A. No. 04-381 Erie
	)	
JAMES F. SHERMAN,	)	
Respondent.	)	

**MEMORANDUM ORDER**

\_\_\_\_\_This petition for writ of habeas corpus was received by the Clerk of Court on December 30, 2004, and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation [Doc. No. 8], filed on February 23, 2006, recommended that the instant petition under 28 U.S.C. Section 2241 be dismissed for lack of jurisdiction. The parties were allowed ten (10) days from the date of service to file objections. Service was made on Petitioner by certified mail at FCI McKean, where he is incarcerated, and on Respondent. Petitioner was subsequently granted an extension until April 6, 2006, to file objections [Doc. No. 11]. No Objections have been filed. After de novo review of the petition and documents in the case, together with the report and recommendation, the following order is entered:

AND NOW, this 10<sup>th</sup> Day of April, 2006;

IT IS HEREBY ORDERED that the Petition for Writ of Habeas Corpus is DISMISSED, for lack of jurisdiction

The report and recommendation of Magistrate Judge Baxter [Doc. No. 8], dated February 23, 2006, is adopted as the opinion of the court.

\_\_\_\_\_  
SEAN J. McLAUGHLIN  
UNITED STATES DISTRICT JUDGE

cc: Susan Paradise Baxter  
U.S. Magistrate Judge  
all parties of record.nk